IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION No: 2084 of 1995

Between:

1 Budithi Mutyalu, S/o. Chandrayya,
R/o. Varidhanam, West Godavari District.
2 Polamuru Sesharao, S/o. Ramayya,
R/o. Varidhanam, West Godavari District.
3 Beera Nagoore, S/o. Subbayya,
R/o. Varidhanam, West Godavari District.
4 Yadla Lakshmayya, S/o. Vanadayya,
R/o. Varidhanam, West Godavari District.
5 Budithi Chitteyya, S/o. Chandrayya,
R/o. Varidhanam, West Godavari District.
6 Varadhanapu Nageswara Rao, S/o. Venkatanarasaiah,
R/o. Varidhanam, West Godavari District.
7 Varadhanapu Suryarao, S/o. Swamy,
R/o. Varidhanam, West Godavari District.
8 Varadhanapu Subba Rao, S/o. Swamy,
R/o. Varidhanam, West Godavari District.
9 Kavadi Venkateswarlu, S/o. Venkanna,
R/o. Varidhanam, West Godavari District.
10 Smt. Kothadi Lakshmamma, W/o. Late Peda Venkanna,
R/o. Varidhanam, West Godavari District.
11 Donga Narasimha Murthy, S/o. Kondayya,
R/o. Varidhanam, West Godavari District.
12 Cheepurupalli Narasimha Murthy, S/o. Narasayya,
R/o. Varidhanam, West Godavari District.
13 Kandrekula Venkanna, S/o. Venkanna,

R/o. Varidhanam, West Godavari District.
14 Kandiboyina Narasimha Murthy, S/o. Venkanna,
R/o. Varidhanam, West Godavari District.
15 Gudala Ramarao, S/o. Suranna,
R/o. Varidhanam, West Godavari District.
16 Cheepurupalli Ramu, S/o. Yarakayya,
R/o. Varidhanam, West Godavari District.
17 Eimana Venkateswara Rao, S/o. Rattayya,
R/o. Varidhanam, West Godavari District.
18 Patapalli Peda Nageswararao, S/o. Subbarao,
R/o. Varidhanam, West Godavari District.
19 Madireddi Sarvarao, S/o. Venkataratnam,
R/o. Varidhanam, West Godavari District.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, Represented by its

Secretary, Revenue Department, Secretariat Buildings,
Hyderabad.
2 The Mandal Revenue Officer,
Palakol, West Godavari District.
3 The District Collector,
Eluru, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to call for the records relating to R.C.E. 1885(E) 92, dated 25/01/1995 on the file of the Mandal Revenue Officer, Palakol and quash the same as illegal, arbitrary, contrary to law and violative of principles of natural justice by issuing a writ of certiorari or any other appropriate writ, order or direction.

Counsel for the Petitioners: MR.K.CHIDAMBARAM

Counsel for the Respondents: GP FOR REVENUE

The Court made the following order:

Heard the learned counsel for the petitioners and the learned Government Pleader for the respondents.

It is the case of the petitioners that they belong to Vaidhanam Village, Palakol Mandal and are eking out their livelihood by attending to coolie work. While so, the Government of Andhra Pradesh has recovered an extent of Acres 4.03 cents of land situated in R.S.Nos.26/1A, 26/3A, 72/2B2, 73/2B1, 89/3B and 90/2A1 of Vaidhanam Village belonging to one Smt. Kancherla Veeramma under the land ceiling proceedings and in the month of June, 1994, the Village Administrative Officer of Vaidhanam Village collected the names of several persons in the village through the Village Sarpanch for allotment of the above said recovered land. After conducting enquiry, the Mandal Revenue Officer selected 19 names for distributing the above said land. After preparing the list, the Mandal Revenue Officer forwarded the same to the Sub-Collector, Narsapur. After consultation with the Sub Collector, Narsapur, the Mandal Revenue Officer, Palakol by his proceedings in Roc.1885/92(E), dated 30-8-1994 issued allotment orders to the petitioners herein. The extent of land allotted to each petitioner was mentioned in the allotment order. As per the allotment order, the petitioners have to pay the value of the allotted land in five equal instalments. Accordingly, the petitioners have already paid the first instalment on 3-1-1995. While

the matter stood thus, the Mandal Revenue Officer, Palakol who has allotted the above said land again by his proceedings R.C.E. 1885(E) 92, dated 25-1-1995 issued a public notice saying that the Government of Andhra Pradesh recovered the surplus land situated in R.S.Nos. 26/1A, 26/3A, 72/2B2, 73/2B1, 74/2B2, 89/3B and 90/2A1 to an extent of Acres 4.03 cents and therefore, landless persons belonging to Vaidhanam village are hereby directed to submit their applications to the office of the Mandal Revenue Officer within one week. The petitioners were allotted the above said land in the month of November, 1994. The respondents never cancelled the allotment order made in favour of the petitioners. The Mandal Revenue Officer has no power to issue such type of notice without following the procedure prescribed under law. Hence, the writ petition.

Having regard to the facts and circumstances of the case, without going into the merits of the case, it would suffice, if a direction is issued to the respondents not to dispossess the petitioners from the above said lands without following due process of law, if they are still in possession.

The writ petition is accordingly disposed of. No costs.

lvl 28-10-2004

To

1 The Secretary, Revenue Department, Secretariat Buildings,
Hyderabad.
2 The Mandal Revenue Officer,
Palakol, West Godavari District.
3 The District Collector,
Eluru, West Godavari District.

4 2CCs to the Government Pleader for Revenue, High Court of

A.P., Hyderabad. (OUT)

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